REMARKS

35 U.S.C. § 101 Rejections

The Office has rejected claims 14-18 under 35 U.S.C. § 101, asserting that the claims are directed to non-statutory subject matter. In particular, the Office has stated, on page 2 of the Office Action, that the terms "a user interface" and "a broadband modem module" are deemed software per se, and are therefore non-statutory subject matter. Applicants traverse the assertion that the claims contain non-statutory subject matter, but have amended claims 14-17 for purposes of clarification. In particular, the claims have been amended to recite a "display element" instead of a "user interface," and a "broadband modem unit" instead of a "broadband modem module." Support for the amendments can be found in the specification and drawings, including at least in paragraphs [0011] and [0027] and Figure 3 (for display element), and in paragraph [0028] and Figure 3 (for broadband modem unit). Accordingly, no new matter has been added by the claim amendments. Withdrawal of the 35 U.S.C. § 101 rejections of claims 14-18 is respectfully requested.

35 U.S.C. § 102(b) and 103(a) Rejections

The Office has rejected claims 1-3 and 5-22, on page 3 of the Office Action, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0035471 ("Pitsoulakis"). These rejections are respectfully traversed.

For a reference to anticipate a claim, the reference must teach each and every element of the claim. Pitsoulakis does not teach every element of independent claim 1. For example, Pitsoulakis does not teach "establishing a communication link between a modem of a user and a network aggregation point" and "visually indicating an existence of the communication link at a first location of the modem," as recited in claim 1. The Office asserts, on page 3 of the Office Action, that Pitsoulakis discloses indicating the existence of a communication link at a first location of the modem in Figure 4, element 402, and Paragraphs [0034] and [0037]. In particular, the Office states that Pitsoulakis "teaches Ethernet hub has an Ethernet link LED (Figure 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at the Ethernet hub (modem), the associated Ethernet link

LED shows green light otherwise, when there is not connection, the Ethernet link shows no light." (Office Action, page 3).

Pitsoulakis discloses an Ethernet network, which includes an access device, a plurality of computers, and peripherals such as printers and scanners. As shown in Fig. 5, each of the computers 504 is connected to an Ethernet hub on the access device 502. The access device 502 is connected to a single DSL line 510 through which DSL services are provided by a DLS service provider 508. (Pitsoulakis, paragraph [0039]). The cited portions of Pitsoulakis describe an access device having an Ethernet port 410 (shown in Fig. 4), which includes four Ethernet hubs 412, 414, 416, and 418 (as shown in Figure 4) for computer connection. Each Ethernet hub has an Ethernet link LED 402, which indicates its link status. When there is an Ethernet connection at the Ethernet hub by a computer, the associated Ethernet link LED 402 shows a green light. When there is no Ethernet connection at the Ethernet hub, the associated Ethernet link LED 402 shows no light. (Pitsoulakis, paragraph [0037]). Accordingly, the Ethernet link LED 402 indicates whether there is an Ethernet connection at an Ethernet hub of the access device 502 by a computer, but this does not teach an existence of a communication link between a modem and a network aggregation point. The Office states that the DSL service provider (Figure 5, element 508) of Pitsoulakis is a network aggregation point. Office Action, page 3. (The Office does not assert that the access device 502 is a network aggregation point.) However, Pitsoulakis' Ethernet link LED 402 does not indicate the existence of a communication link between the access device 502 and the DSL service provider 508. Rather, the Ethernet link LED 402 indicates an Ethernet connection by computers 504 in the Ethernet to the Ethernet hub on the access device 502, and provides no indication of the existence of a communication link between the access device 502 and the DSL service provider 508. Accordingly, the cited portions of Pitsoulakis do not disclose or suggest "visually indicating an existence of the communication link at a first location of the modem," as recited in independent claim 1.

Additionally, Pitsoulakis does not teach "visually indicating an availability of the information service at a second location of the modem," as also recited in claim 1. The Office states, on page 4 of the Office Action, that Pitsoulakis discloses this element in Figure 4 as element 404, and in Paragraphs [0034] and [0037]. In particular, the Office states that Pitsoulakis "teaches Ethernet activity LED (Figure 4, element 404) which indicates activity

status. The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the availability of the information service at the Ethernet hub (modem)." Applicants disagree. The cited portion of Pitsoulakis describes an Ethernet activity LED 404, which indicates the intensity of the activities over the Ethernet connection. As discussed above, Pitsoulakis discloses an Ethernet network including an access device, a plurality of computers, and at least one peripheral. (Pitsoulakis, [paragraph 0038]). The Ethernet activity LED 404 indicates the Ethernet activity of a computer connected at a particular Ethernet hub. The intensity of activities of a computer over an Ethernet connection, however, says nothing about the availability of a given information service, because the given information service may or may not available regardless of the Ethernet activity level indicated by the LED 404. Thus, the cited portions of Pitsoulakis do not teach "visually indicating an availability of the information service at a second location of the modem," as also recited in claim 1.

Thus, Pitsoulakis does not teach every element of claim 1. Therefore, claim 1 is allowable over Pitsoulakis.

Claims 2-13 depend on claim 1, and are allowable over Pitsoulakis, at least by virtue of their dependency on claim 1.

Pitsoulakis does not teach every element of independent claim 14, as amended. For example, Pitsoulakis does not teach "a link detection mechanism communicatively coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and a network aggregation point," as recited in claim 14. The Office states, on page 6 of the Office Action, that Pitsoulakis discloses a network aggregation point shown as a DSL service provider 508 in Figure 5. The Office states that the Ethernet link LED (element 402 in Figure 4) indicates an Ethernet connection at an Ethernet hub. As discussed above, the Ethernet link LED 402 indicates an Ethernet connection of a computer or a peripheral in the Ethernet network at an Ethernet hub, and this does not teach determining that a communication link exists between the broadband modem unit and a network aggregation point, as recited in claim 14. Thus, the cited portions of Pitsoulakis do not teach "a link detection mechanism ... operable to output a link signal in

response to a determination that a communication link exists between the broadband modem unit and a network aggregation point," as recited in claim 14.

Pitsoulakis also does not teach "a data detection mechanism operable to output an access signal in response to a recognition that the broadband modem unit enjoys access to a remote information service," as recited in claim 14. The Office asserts, on page 7 of the Office Action, that this element is taught by Ethernet link LED 404 in Figure 4, which indicates activity status. The Office states, on page 7 of the Office Action, that Pitsoulakis "teaches that when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the access signal, i.e., since there is activities within the network (modem)." Applicants disagree. As discussed above, the Ethernet activity LED 404 indicates the intensity of activities of a computer over an Ethernet connection, and does not teach whether or not a modem unit enjoys access to a remote information service. Pitsoulakis thus does not teach "a data detection mechanism operable to output an access signal in response to a recognition that the broadband modem unit enjoys access to a remote information service," as recited in claim 14.

Thus, Pitsoulakis does not teach every element of claim 14. Therefore, claim 14 is allowable over Pitsoulakis. Claims 15-18 depend on claim 14, and are allowable over Pitsoulakis, at least by virtue of their dependency on claim 14.

Pitsoulakis does not teach every element of independent claim 19. For example, Pitsoulakis does not teach "a first indicator operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node," as recited in claim 19. The Office states, on page 8 of the Office Action, that Pitsoulakis teaches an Ethernet link LED (element 402 in Figure 4) which indicates an Ethernet connection at an Ethernet hub. As discussed above, the Ethernet link LED 402 indicates an Ethernet connection of a computer or a peripheral in the Ethernet network, and this does not teach determining that a connection exists between the broadband modem and a network aggregation node, as recited in claim 14. Thus, the cited portions of Pitsoulakis do not teach "a first indicator operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node," as recited in claim 19.

Pitsoulakis also does not teach "a second indicator operable to display a data status indicating an availability of access to a remote information service node," as recited in claim 19. The Office asserts, on page 9 of the Office Action, that this element is taught by Ethernet link LED 404 in Figure 4, which indicates activity status. The Office states that Pitsoulakis "teaches that when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the access signal, i.e., since there is activities within the network (modem)." Applicants disagree. As discussed above, the Ethernet activity LED 404 indicates the intensity of activities over an Ethernet connection, and does not teach whether there is access to a remote information service node. Pitsoulakis thus does not teach "a second indicator operable to display a data status indicating an availability of access to a remote information service node," as recited in claim 19.

Thus, Pitsoulakis does not teach every element of claim 19. Therefore, claim 19 is allowable over Pitsoulakis. Claims 20 and 21 depend on claim 19, and are allowable over Pitsoulakis, at least by virtue of their dependency on claim 19.

The Office has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Pitsoulakis in view of U.S. Patent No. 6,553,022 ("Hartmaier"). This rejection is respectfully traversed. Claim 4 is dependent on independent claim 1, which Applicants have shown to be patentable over Pitsoulakis. Hartmaier fails to cure the deficiencies of Pitsoulakis described above. In particular, neither the cited portions of Pitsoulakis, nor the cited portions of Hartmaier, disclose "visually indicating an existence of the communication link at a first location of the modem" or "visually indicating an availability of the information service at a second location of the modem," as recited in claim 1. Therefore, claim 4 is patentable over the combination of Pitsoulakis and Hartmaier.

CONCLUSION

Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

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